

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 13, “Contested Cases,” Iowa Administrative Code.

Item 1 makes proposed changes to expand the retention period of contested case records to coincide with Iowa Code section 17A.12, which requires that records relating to oral proceedings be retained for at least five years. Item 2 corrects an Iowa Code citation within the chapter’s implementation sentence.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; Internet e-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than December 16, 2014.

A meeting to hear requested oral presentations is scheduled for Thursday, December 18, 2014, at 10 a.m. in the Administration Building, First Floor, South Conference Room, Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 17A.12 and 10A.801.

The following amendments are proposed.

ITEM 1. Amend rule 761—13.10(17A) as follows:

**761—13.10(17A) Maintenance of records.** The department shall retain for three at least five years from the date of the final decision copies of ~~decisions~~ the record made before the presiding officer, the decision received from the presiding officers officer, decisions the decision issued by the director, and related correspondence.

ITEM 2. Amend **761—Chapter 13**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A and Iowa Code section ~~40A.202~~ 10A.801.